

REMARKS

The Office Action mailed March 22, 2007 has been reviewed and carefully considered. It is respectfully asserted that no new matter has been added.

Claim 17 has been amended, and Claim 41 has been cancelled without prejudice. Claims 17-40 and 42-43 are pending in this application.

Claims 17-22, 26-33, and 35-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,923,362 to Klosterman et al. (hereinafter "Klosterman") in view of U.S. Patent No. 6,002,394 to Schein (hereinafter "Schein") and U.S. Patent No. 6,253,188 to Witek et al. (hereinafter "Witek"). Claims 23-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman in view of Schein and Witek and in further view of U.S. Patent No. 6,147,714 to Terasawa (hereinafter "Terasawa"). Claim 34 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Klosterman in view of Schein and Witek and in further view of U.S. Patent No. 5,883,677 to Hofmann (hereinafter "Hofmann").

As noted above, Claim 17 has been amended. In particular, Claim 17 has been amended to now include the limitations of cancelled Claim 41.

It is respectfully asserted that none of the cited references teach or suggest "converting said first code to a second code in accordance with equivalence mapping information for allocating a category in a master set of program categories to said received program category", as recited in Claim 17.

Moreover, it is respectfully asserted that none of the cited references teach or suggest "merging the program guide information from the plurality of sources into a composite program guide defined by the themes and topics of the master set, using the composite program map", as recited in Claim 21.

The Examiner has cited the following portions of Witek against the above-recited limitations of Claims 17 and 21: Figure 3, 7, 14, 15; column 12, line 49 to column 13, line 13; column 18, lines 33-62; and column 52, lines 11-68.

In brief, and as will be shown in further detail below, Witek does not disclose or suggest a "master set" (claims 17 and 21) "of program categories" (claim 17) or of "themes and topics" (claim 21). Witek's newspaper classified ads are each separately categorized using different categories for each newspaper. Further, the categories for the classified ads are assigned numerical codes, but the numerical codes are not common among the different newspapers. Thus, there is no master set of numerical codes, and there is (accordingly) no conversion using a master set of numerical codes. Applicant has amended claim 17 to include claim 41's recitations regarding a second source and a third and fourth code to further clarify the nature and use of the recited "master set of program categories" (claim 17).

Figure 3 of Witek simply shows pre-selection designation tables and record selection tables, the former for, *inter alia*, specifying a category ID and a sub-category ID. The category and sub-category IDs are represented by numerals. However, while a category ID and subcategory ID are disclosed, there is no mention or showing of a master set of categories as recited in Claims 17 and 21.

Figure 7 of Witek simply shows, *inter alia*, a step where a user enters primary and secondary selection parameters. However, there is no mention or showing of a master set of categories as recited in Claims 17 and 21.

Figure 14 of Witek "is a schematic diagram of the elements associated with operation of the parser used for creating ad database records for the classified ad system" (Witek, col. 8, lines 28-31) and Figure 15 of Witek "is a flow diagram of the steps

associated with the operation of the parser used for creating ad database records for the classified ad system” (Witek, col. 8, lines 32-35). However, the creation of the ad database as shown therein does not make any mention of a master set of categories as recited in Claims 17 and 21.

Column 12, line 49 to column 13, line 13 of Witek simply disclose, *inter alia*, that “the category identification 48 and the subcategory identification 50 are each binary numbers and are provided as single, eight bit binary bytes capable of representing 256 (0-255) different values. As will be described more fully hereafter, in preferred form, and in connection with search message, the single bytes 48 and 50 are each used to represent a two-place, ASCII designation for an ad category and subcategory”. However, while a category identification and subcategory identification are disclosed, there is no mention or showing of a master set of categories as recited in Claims 17 and 21.

Column 18, lines 33-62 of Witek simply disclose the following:

Since as noted above and as illustrated in FIG. 3, the category identification and subcategory identifications 48, 50, respectively, are numerically coded, it is possible, in accordance with the invention, to adjust the descriptions of the categories and subcategories presented to suite the tastes of both of the newspaper and/or users of the system. Additionally, where multiple newspapers are provided in the system, use of numeral coding permits different category and subcategory descriptions to be employed for each of the respective newspaper databases without requiring significant change to the database structure. As will be appreciated, the respective newspapers may want to use category and subcategory descriptions of their own choosing to accommodate regional requirements or preferences. In such case, all that is needed are suitable lookup tables to relate the various descriptions presented in the search menus with the numerical coding used by the respective databases.

Moreover, and as will be described hereafter, system 10 includes an automated ad generator for each newspaper, the respective ad generators having a parser which analyzes the particular ad text supplied by the newspaper and automatically converts it into database records having a set of standard record variables and descriptions, the variables and descriptions for each newspaper being derived from a base set of variables for the system. Accordingly, not only is the system able to afford flexibility in the setup of the record organization for each newspaper, but also, once the respective newspaper standard set of variable is established, the system facilitates uniformity among ad records generated for common subject matter.

Column 52, lines 11-68 of Witek simply relate to Figure 13 and the corresponding description of ad database record creation for the classified ad system (see also, col. 8, lines 25-27 of Witek). Note that Figure 13 itself only relates to a SINGLE newspaper, and so could not possibly disclose or suggest a "master set" used by more than one newspaper. Witek specifically states the Figure 13 relates to a single newspaper by noting that "reference will be to Fig. 13, in which the elements of the ad record generation, record collection and distribution subsystems for the single-newspaper version of the system are schematically shown" (Witek at col. 13, lines 42-45, underlining added).

Before returning to column 18, lines 33-62 of Witek, the following portion of Witek, namely column 22, lines 45-64, is reproduced herein for the Examiner's convenience:

With reference to FIG. 5a, in accordance with the preferred form of the invention, though system 10 maintains a central classified ad application server 16 for supplying classified ads to the public, access to

server 16 is through server 12 of the specific newspaper sponsoring the service; e.g., newspaper 1. As will be appreciated, though FIG. 5a for the sake of simplicity shows the case of a single newspaper 1, and a single application server 16, as illustrated in FIG. 1, in accordance with the preferred form of the invention, system 10 contemplates maintenance of a number of newspaper classified ad systems supported with a number of redundant application servers 16 and database servers 20 as a commercial offering to the respective sponsoring newspapers 1 to M, . This enables newspapers 1 to M to derive revenue and goodwill from the classified ad service, without the need for individually assuming the burden and cost of setting up and maintaining an application Web server 16, its respective database server 20 and the respective ad generation subsystems; i.e., generator 26, collection server 36 and distribution processor 40.

Thus, column 22, lines 45-64 of Witek, in consideration of Column 18, lines 33-62 of Witek, essentially discloses that each newspaper's database and respective terminology used in the ad categories is essentially preserved by having users obtain access "through server 12 of the specific newspaper sponsoring the service" (Witek, col. 22, lines 45-50), and by maintaining "a number of redundant application servers 16 and database servers 20 as a commercial offering to the respective sponsoring newspapers 1 to M" (Witek, col. 22, lines 50-58). In view of such an arrangement, there is no need for conversion to a master set of categories, for example, to be used for all newspapers (i.e., for the respective databases of each of the newspapers).

In fact, it is noteworthy that Witek explicitly mentions the use of a "base set of system variables" to provide "uniformity among ad records generated for a common subject" (Witek, col. 18, lines 50-62), but makes no similar mention of uniformity with respect to the category designations so as to have/use a "master set of categories". In consideration that Witek explicitly discloses uniformity only with respect to the ad records,

but not the ad categories, the Examiner's reading of Witek is believed to erroneous and is further believed to be an exercise of impermissible hindsight on the Examiner's part.

For example, the Examiner is pointed to the following language of Witek, also reproduced above, "where multiple newspapers are provided in the system, use of numeral coding permits different category and subcategory descriptions to be employed for each of the respective newspaper databases without requiring significant change to the database structure" (Witek, col. 18, lines 38-43).

Thus, given that access is provided though the newspaper server 12 itself (see Witek, FIG. 5a, element 12), that a number of newspaper classified ad systems are supported with a number of redundant application servers 16 and database servers 20 (see Witek, FIG. 5A, elements 16 and 20), and that different category and subcategory descriptions may be employed for each of the RESPECTIVE newspaper databases (while considering Witek's disclosure that the ad records are made to be uniform, with no corresponding disclosure relating to the category designations themselves), it is respectfully asserted that Witek does not use a master set of categories, let alone a master set of program categories (since Witek is directed to classified ads and not program guides), as recited in Claims 17 and 21.

Moreover, it is respectfully asserted that Witek is still believed to not be analogous art for at least the reasons set forth previously in the prior art amendments and/or responses and the Applicants respectfully reserve their future right to further pursue this argument as well as the previous arguments made via, for example, an appeal.

Thus, it is respectfully submitted that Witek does not receive classified ads from newspapers which may categorize listings in different forms, or convert from one set of categories to a master set of categories prior to display. The system of Witek receives classified ad information from each newspaper in text form, and employs a parsing

program to convert the text information into data suitable for uploading into a database for that particular newspaper. There is no conversion from a first code to a second code in accordance with equivalence mapping information for allocating a category in a master set of program categories to said received program category as recited in Claim 17. Further, there is no merging of program guide information from the plurality of sources into a composite program guide defined by the themes and topics of the master set, using the composite program map as recited in Claim 21.

While, as noted above, Witek does disclose the use of a look-up table (col. 18, lines 43-49), that look-up table is provided for mapping between textual descriptors and numerical categories for a SINGLE newspaper/database, not for mapping between different categories in different databases.

Further, it is respectfully asserted that none of the cited references teach or suggest the following limitations recited in Claim 17:

converting a third code to a fourth code, the third code being from the second source and identifying a particular program category, in accordance with equivalence mapping information for allocating a category in the master set of program categories to the particular program category;

...

wherein sorting and merging program guide information according to said master set of program categories comprises sorting and merging the second code and the fourth code.

Clearly, Witek does not disclose or even need a third or fourth code, let alone converting a third code to a fourth code, the third code being the second source and identifying a particular program category, in accordance with equivalence mapping

information for allocating a category in the master set of program categories to the particular program category as recited in Claim 17, or let alone wherein sorting and merging program guide information according to said master set of program categories comprises sorting and merging the second code and the fourth code as also recited in Claim 17.

The Examiner has cited column 18, lines 33-49 and column 54, lines 6-35 of Witek as disclosing the preceding limitations of Claim 17 (which were previously included in Claim 41). The text of column 18 has been addressed above, and certainly makes no mention of a third and fourth code, let alone the further specific limitations relating thereto recited in Claim 17. Further, the text relating to column 54 is directed to ad recording updating and, while sorting of the RECORD INFORMATION is disclosed based on ad category, subcategory, list priority, and sort order text information, there is no third or fourth code mentioned with respect to the ad categories let alone a conversion from one to the other in accordance with equivalence mapping information for allocating a category in the master set of program categories to the particular program category as recited in Claim 17, let alone the further limitations recited therein.

For example, the third code is recited as being from a second source, and the second and fourth codes are recited as being sorted and merged, each according to the master set of categories. In contrast, each newspaper database in Witek is maintained separately and, thus, there is no need in Witek for, at the least, converting a third code to a fourth code and merging the second and fourth codes as recited in Claim 17.

Accordingly, Witek does not teach or suggest at least the above recited limitations of Claims 17 and 21.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

Thus, Claims 17 and 21 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Claims 18-20 and 40-41 depend from Claim 17 and, thus, include all the limitations of Claim 17. Claims 22-39 and 42-43 depend from Claim 21 or a claim which itself is dependent from Claim 21 and, thus, includes all the elements of Claim 21. Accordingly, Claims 18-20 and 40-41 are patentably distinct and non-obvious over the cited reference for at least the reasons set forth above with respect to Claim 17, and Claims 22-39 and 42-43 are patentably distinct and non-obvious over the cited reference for at least the reasons set forth above with respect to Claim 21.

Thus, reconsideration of the rejections is respectfully requested.

In view of the foregoing, Applicants respectfully request that the rejections of the claims set forth in the Office Action of March 22, 2007 be withdrawn, that pending claims 17-40 and 42-43 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

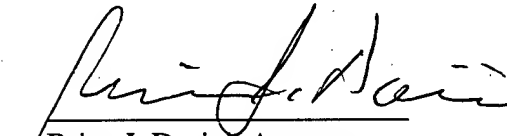
The fee for a two-month extension to respond to the Office Action is enclosed. It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No. 07-0832.

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Patent

Respectfully submitted,

Keith Reynolds Wehmeyer, et al.



Brian J. Dorini, Attorney
Reg. No. 43,594
(609) 734-6817

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Patent Operations
Thomson Licensing Inc.
2 Independence Way, Suite 200
P.O. Box 5312
Princeton, New Jersey 08543-5312